

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Case No.: 22-35375-cgm

Jennifer Lee Saldicco aka Jennifer
L. Saldicco fka Jennifer L. Koch,

Chapter 13

Judge: Cecelia G. Morris

Debtor.

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OBJECTION TO CONFIRMATION OF PLAN

**TO: THE HONORABLE CECELIA G. MORRIS
UNITED STATES BANKRUPTCY JUDGE**

PLEASE TAKE NOTICE that Fay Servicing, LLC as servicer for Wilmington Trust, National Association, not in its individual capacity, but solely as trustee for MFRA Trust 2014-2 (“Secured Creditor”), the holder of a mortgage on real property of the Debtor, by and through its undersigned attorneys, hereby objects to the confirmation of the Chapter 13 Plan on grounds including:

1. Secured Creditor is the holder of a Note and Mortgage dated August 5, 2005 in the original principal amount of \$264,000.00 with respect to Debtor’s property located at 93 Tonetta Lake Way, Brewster, NY 10509.
2. Debtor’s plan fails to provide for the treatment of the claim of Secured Creditor. The objecting creditor is due arrears of approximately \$123,603.37 which will be fully set forth in a Proof of Claim filed prior to the bar date. The plan fails to provide for the outstanding arrears.
3. Debtor’s proposed plan fails to list the correct post-petition payment amount. The objecting creditor is due post-petition payments in the amount of \$1,810.68 per month which will be set forth in a Proof of Claim filed prior to the bar date. The plan fails to provide for the correct post-petition payment amount.
4. Debtor’s proposed plan is paying only a total amount of \$101,580.00 to the Trustee over the life of the Plan, thus making the proposed plan not feasible.

5. Secured Creditor hereby objects to confirmation of the Plan as the Plan fails to provide full treatment of our arrears; does not provide the correct post-petition payment amount; and is not feasible.
6. Debtor's proposed plan fails to comply with other applicable provisions of Title 11.

In the event any portion of the claim is deemed to be an unsecured claim as defined by the Code, objection is hereby made pursuant to 11 U.S.C § 1325(a)(4) and 1325(b), et seq. unless the plan provides for full payment of the claim.

Dated: August 8, 2022
Garden City, New York

Respectfully submitted,

By: /s/ Richard Postiglione
Richard Postiglione, Esq.
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I, Richard Postiglione, an attorney duly admitted to practice law before the District Courts of the State of New York, respectfully certify that I am not a party to this action, am over 18 years of age and reside in the State of New York. On August 8, 2022, I caused to be served the foregoing Objection to Confirmation by mailing the same in a sealed envelope, with postage paid thereon, in an official depository of the United States Post Office, addressed to the last known address of the addressee(s) as indicated below:

Jennifer Lee Saldicco aka Jennifer L. Saldicco fka Jennifer L. Koch
93 Tonetta Lake Way
Brewster, NY 10509

Wendy Marie Weathers
Clair Gjersten & Weathers, PLLC
4 New King Street
Suite 140
White Plains, NY 10604

Krista M. Preuss
Chapter 13 Standing Trustee
399 Knollwood Road
White Plains, NY 10603

United States Trustee
Office of the United States Trustee
11A Clinton Ave.
Room 620
Albany, NY 12207

/s/ Richard Postiglione
Richard Postiglione, Esq.